

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.: 08C-06-223 PLA

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

A F F I D A V I T

STATE OF DELAWARE :

: SS.

NEW CASTLE COUNTY :

I, LAWRENCE SPILLER KIMMEL, am attorney for the plaintiff(s).

This affidavit is made on behalf of the plaintiff(s) in accordance with the provisions of 10 Del.C. §3112 as amended and also pursuant to Superior Court Rule 4(f)(II)(h) and is filed as an amendment to the complaint.

The defendant, Charles Hale, is a resident of the State of Florida and his last known address is 2580 Executive Road, Winterhaven, FL 33884.

On the 5th day of August 2008, a notice, a copy of which is attached hereto as exhibit "A" and incorporated by reference as is more fully set forth, was sent by registered mail, return receipt requested, at the address set forth above.

On or about the 19th day of August 2008, the return receipt number RA 528 766 538 US, which is attached hereto as Exhibit "B" and incorporated by reference as is more fully set forth, was received on behalf of the plaintiff from the postal authorities showing the notice was signed by Janet Kennedy on the Defendant's behalf.



LAWRANCE SPILLER KIMMEL, ESQUIRE

Bar ID: 4725

Kimmel, Carter, Roman & Peltz, P.A.

56 W. Main Street, Fourth Floor

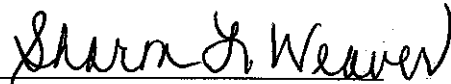
Plaza 273

Newark, DE 19702

(302) 565-6100

Attorney for Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME this 25th day of
August, A.D., 2008.



Notary Public

Registered No. RA 528 966 538 US		Date Stamp 0711 09 08/07/08 AUG - 7 2008
To Be Completed By Post Office	Reg. Fee	\$10.80
	Handling Charge	\$0.00
	Postage	\$0.76
	Return Receipt	\$0.00
	Restricted Delivery	\$0.00
Received by		
Customer Must Declare Full Value \$		\$0.01
Domestic Insurance up to \$25,000 is included based upon the declared value. International indemnity is limited. (See Reverse).		
OFFICIAL USE		
To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Laurance Spiller Kimmel PO Box 8149 Newark, DE 19714
	TO	Mr. Charles Hale 2580 Executive Rd. Winterhaven, FL 33884 WINTER HAVEN FL 33884
PS Form 3806, Receipt for Registered Mail Copy 1 - Customer May 2007 (7530-02-000-9051) (See Information on Reverse) For domestic delivery information, visit our website at www.usps.com		

LAW OFFICES
KIMMEL, CARTER, ROMAN & PELTZ
PROFESSIONAL ASSOCIATION

MORTON RICHARD KIMMEL*
EDWARD B. CARTER, JR.
THOMAS J. ROMAN
WILLIAM R. PELTZ
MICHAEL D. BEDNASH
MATTHEW M. BARTKOWSKI**
JONATHAN B. O'NEILL***
LAWRANCE SPILLER KIMMEL****

* ALSO MEMBER DC BAR
** ALSO MEMBER PA BAR
*** ALSO MEMBER NJ BAR
**** ALSO MEMBER PA & NJ BARS

PLAZA 273 & I-95
MAILING ADDRESS
P.O. BOX 8149
NEWARK, DELAWARE 19714

(302) 565-6100
FAX (302) 565-6101

WILMINGTON OFFICE

913 MARKET STREET
SUITE 700
WILMINGTON, DE
(302) 571-0800

WEB SITE
www.Kimmelcarter.com

August 5, 2008

Re: Earl J. Hibbitts v. Charles Hale, et al

Mr. Charles Hale
2580 Executive Road
Winterhaven, FL 33884

Dear Mr. Hale:

Pursuant to the provisions of 10 Del. C. Section 3112, I am enclosing herewith a copy of the summons, complaint and answers to the Superior Court form 30 interrogatories, together with a copy of the Sheriff's return in the above-captioned case.

You are hereby notified that service of the original of such process has been served upon the Secretary of State of the State of Delaware.

As you can see, these papers name you as defendant in a civil action which has been initiated in the Superior Court of Delaware, in and for New Castle County. Under the provision of Title 10, Section 3112 of the Delaware Code, such service is as effectual to all intents and purposes as if it had been made upon you personally within the State.

Very truly yours,

Lawrance Spiller Kimmel

LSK/bel
Enclosures
REGISTERED MAIL
RETURN RECEIPT REQUESTED

EFiled: Jun 26 2008 6:56 PM EDT
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

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MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

THE STATE OF DELAWARE,

TO THE SHERIFF OF KENT COUNTY:

YOU ARE COMMANDED:

To summon the above named defendant's so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon Lawrance Spiller Kimmel, Esquire, plaintiff's attorney, whose address is 200 Biddle Avenue, Suite 101, Springside Plaza, Newark DE 19702, an answer to complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiff).

SHARON AGNEW
Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

SHARON AGNEW
Prothonotary

Per Deputy

EFiled: Aug 4 2008 10:39
Transaction ID 20909015
Case No. 08C-06-223 PLA



Sheriff's Return

Served the within Summons and copy of the following complaint:

SUMMONS/COMPLAINT/INTERROGATORIES

this day, Monday, July 21, 2008, personally upon **HARRIET SMITH WINDSOR**, Secretary of State of the State of Delaware, by leaving with her a true and correct copy of the said Summons for the defendant:

CHARLES HALE

FILED
PROTHONOTARY
2008 AUG -4 AM 10:38

and a copy of the Complaint for the said defendant, together with the sum of \$ 2.00 Dollars, as prescribed by Section 3112 of Title 10 of the Delaware Code of 1978.

So Answers,

Jim Higdon
Jim Higdon
Sheriff of Kent County

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Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

PRAECIPE

PLEASE ISSUE SUMMONS, COMPLAINT, and PLAINTIFF'S ANSWERS
TO SUPERIOR COURT FORM 30 INTERROGATORIES on:

- 1) Defendant Charles Hale at 2580 Executive Road, Winterhaven, FL 33884,
through the Secretary of State pursuant to 10 Del.C. § 3112;
- 2) Defendant Indian River Transport, Inc., through the corporation itself at 2580
Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to 10
Del.C. § 3104.
- 3) Defendant Heritage Equipment Leasing, LLC, through the corporation itself at
2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
10 Del.C. § 3104;
- 4) Defendant Heritage Management Group, LLC, through the corporation itself at
2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
10 Del.C. § 3104.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

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HERITAGE EQUIPMENT
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MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

COMPLAINT

1. On Tuesday, 7/18/06, at approximately 4:35 p.m., Plaintiff was operating his vehicle, stopped in traffic on southbound New Castle Avenue, in New Castle, New Castle County, Delaware, when he was struck from the rear by a vehicle left unoccupied by Defendant Hale, who had left his vehicle unattended in a negligent and careless manner, causing his vehicle to roll down a hill and into the Plaintiff's vehicle, causing Plaintiff's vehicle to strike two motor vehicles in front of him, resulting in injuries and damages to Plaintiff.

2. The conduct of Defendant Hale was negligent and careless in a manner which proximately caused the aforesaid accident in that he:

(a) left his vehicle unattended in violation of 21 Del.C. Section 4182;

(b) failed to maintain proper control over his vehicle; and,

(c) operated his vehicle in a careless and/or inattentive manner in violation of 21

Del.C. Section 4176;

(d) failed to effectively set the brake of his vehicle when leaving it unattended in violation of 21 Del.C. Section 4182;

(e) failed to turn the front wheels to the curb or side of the highway in violation of 21 Del.C. Section 4182;

(f) failed to equip his vehicle with brakes adequate to control the movement of and to stop and to hold such vehicle and any trailer or semitrailer attached thereto including 2 separate means of applying the brakes in violation of 21 Del.C. Section 4303;

(g) failed to maintain the brakes of his vehicle in good working order and conform to regulations promulgated by the Secretary in violation of 21 Del.C. Section 4303;

(h) failed to maintain the brakes of his vehicle so the hand brake could hold such vehicle stationary on any grade upon which operated in violation of 21 Del.C. Section 4304;

(i) operated a vehicle with faulty and/or defective equipment, causing said vehicle to move forward when left unattended on the roadway.

3. The negligence of Defendant Hale is imputed to Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, since the former was operating the vehicle as the agent, servant and/or employee of Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, and was pursuing Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC's, and Heritage Management Group, LLC's business at the time of the aforesaid accident. Each Defendant must deny agency by affidavit pursuant to 10 Del. C. Section 3916.

4. As a result of the aforesaid conduct of Defendants, Plaintiff sustained injuries to his head, neck, back, shoulders, right upper extremity, left upper extremity, left lower extremity, right lower extremity, and other injuries, some or all of which may be permanent, pain and suffering, mental distress, a loss of earnings, and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants for his general and special damages, in an amount to be determined by a jury, plus costs and interest.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

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Defendants.

C.A. No.:

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**ANSWERS TO SUPERIOR COURT
FORM 30 INTERROGATORIES**

1. Give the names and present or last known residential and employment address and telephone number of each eye-witness to the incident which is the subject of litigation

ANSWER:

See the police report.

2. Give the names and present or last known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

ANSWER:

See those listed in the Police Report, as well as plaintiff's friends, relatives, and business associates.

Christiana Hospital, 4755 Ogletown-Stanton Road, Newark, DE 19710;

Delaware Open MRI, H-42 Omega Drive, Newark, DE 19713;

Glasgow Surgery Center, 2600 Glasgow Ave., Ste. 226, Newark, DE 19702;

Dr. Arnold B. Glassman, 700 Lea Blvd, Suite 102, Wilmington, DE 19802;

Dr. Bruce H. Grossinger, Delaware Neurological Center, 4100 Dawnbrook Dr., Suite 4
Arbor Point Professional Center, Wilmington, DE 19804;

Dr. Stephen L. Hershey, First State Orthopaedics, Med. Arts Pav. Suites 225 and 238
4745 Ogletown-Stanton Rd., Newark, DE 19713-1338;

Dr. Victor R. Kalman, Morgan Kalman Clinic, 2501 Silverside Road, Wilmington, DE
19810;

Dr. Anne C. Mack, Delaware Back Pain & Rehab Center, 2600 Glasgow Avenue
Suite 210, Newark, DE 19702;

Scomed Supply, Inc., 316 Commerce Drive, Exton, PA 19341.

3. Give the names of all persons who have been interviewed in connection with the
above litigation, including the names and present and last known residential and
employment addresses and telephone numbers of the person who made the said
interviews and name and present or last known residential and employment addresses and
telephone numbers of persons who have the original and copies of the interview.

ANSWER:

None known.

4. Identify all photographs, diagrams, or other representations made in connection with
the matter in litigation giving the name and present or last known residential and
employment address and telephone number of the person having the original and copies
thereof. (In lieu thereof, a copy can be attached.)

ANSWER:

See Police Report.

5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type the experts whom the party expects to retain in connection with the litigation.

ANSWER:

See those physicians listed in Interrogatory number 2 above.

6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

- a. The name and address of all companies insuring the risk;
- b. The policy number;
- c. The amount of primary, /secondary, and excessive coverage.
- d. The type of insurance;

ANSWER:

Geico Insurance Company, 1 Geico Boulevard, Fredericksburg, VA 22412, (800) 841-1003, Claim Number: 0166116410101061 (15K/30K PIP – Exhausted);

Continental Casualty Company, PO Box 17369, Denver, CO 80217, Claim Number: TR903960 (Unknown LIAB)

7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

ANSWER:

To be provided.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

EFiled: Jun 26 2008 6:56 PM
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**AFFIDAVIT OF COUSEL PURSUANT
TO RULE 3(a)(1)(ii) AND (iii)**

STATE OF DELAWARE:

: SS

NEW CASTLE COUNTY:

LAWRANCE S. KIMMEL, being duly sworn this 26th day of June, 2008,

does depose and say:

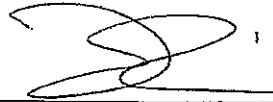
1. He is attorney for plaintiff in the above-referenced action.
2. This action involves a claim for personal injuries where the plaintiff claims special damages that have and will be supplied.

FILING IN COMPLIANCE WITH SUPERIOR COURT RULE 3(h)

In compliance with Superior Court Civil Rule 3(h), Plaintiff attaches the following documentation:

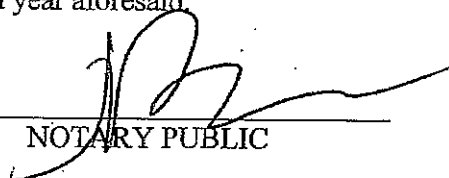
- (i) Answers to Form 30 Interrogatories;
- (ii) Due to the volume of documentary evidence gathered in this case, it is impractical to attach photocopies of all documents to the complaint. Copies of all

documents discoverable under this rule will be forwarded to the attorney for the defendant once an appearance is made by defendant's counsel and a written request for these documents is made.



LAWRANCE SPILLER KIMMEL

SWORN TO AND SUBSCRIBED before me the day and year aforesaid


NOTARY PUBLIC

JONATHAN B. O'NEILL
ATTORNEY AT LAW
Notarial Officer, State of Delaware
Pursuant to 29 Del. C. § 4203(a)(2)
www.delnor.com

EFiled: Jun 26 2008 6:56 PM EDT
 Transaction ID 20427072
 Case No. 08C-06-223 PLA



SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CI)

COUNTY: (New Castle) Kent Sussex

CIVIL ACTION NUMBER: _____

CAPTION: <u>EARL J. HIBBITTS</u> <u>Plaintiff,</u> <u>v.</u> <u>CHARLES HALE, INDIAN RIVER TRANSPORT, INC.,</u> <u>HERITAGE EQUIPMENT LEASING, LLC, and</u> <u>HERITAGE MANAGEMENT GROUP, INC.,</u> <u>Defendants.</u>	Civil Case Code: <u>CPIA</u> Civil Case Type: <u>Personal Injury Auto</u> Name and Status of Party filing document: <u>EARL J. HIBBITTS, Plaintiff</u> Document Type: (E.G. Complaint; Answer with Counterclaim) <u>COMPLAINT, SUMMONS, ANSWER TO FORM 30</u> <u>INTERROGATORIES, AND PRAECIPE.</u> JURY DEMAND: <u>X</u> Yes <u> </u> No
--	---

ATTORNEY NAME: <u>Lawrance Spiller Kimmel, Esq.</u> ATTORNEY ID: <u>4725</u> FIRM NAME: <u>Kimmel, Carter, Roman & Peltz</u> ADDRESS: <u>Plaza 273</u> <u>56 West Main Street, 4th Floor</u> <u>Newark, Delaware 19702</u> TELEPHONE NUMBER: <u>(302) 565-6100</u> FAX NUMBER: <u>(302) 565-6101</u> E-MAIL ADDRESS: <u>lkimmel@kcrclaw.com</u>	IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS: <u>None.</u> EXPLAIN THE RELATIONSHIP: <u>Not Applicable</u> OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT: <u>Not Applicable</u>
--	--

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>Janet Kennedy</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Janet Kennedy</i> C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p><i>Mr. Charles Hale</i> <i>2580 Executive Rd</i> <i>Winterhaven, FL 33884</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><i>RA 528 766 538 US</i></p>
PS Form 3811, February 2004	Domestic Return Receipt
102595-02-M-1540	

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: SS.

NEW CASTLE COUNTY :

I, LAWRENCE SPILLER KIMMEL, am attorney for the plaintiff(s).

This affidavit is made on behalf of the plaintiff(s) in accordance with the provisions of 10 Del.C. §3112 as amended and also pursuant to Superior Court Rule 4(f)(II)(h) and is filed as an amendment to the complaint.

The defendant, Charles Hale, is a resident of the State of Florida and his last known address is 2580 Executive Road, Winterhaven, FL 33884.

On the 5th day of August 2008, a notice, a copy of which is attached hereto as exhibit "A" and incorporated by reference as is more fully set forth, was sent by registered mail, return receipt requested, at the address set forth above.

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LAWRANCE SPILLER KIMMEL, ESQUIRE

Bar ID: 4725

Kimmel, Carter, Roman & Peltz, P.A.

56 W. Main Street, Fourth Floor

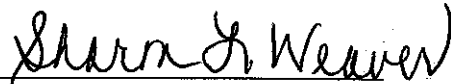
Plaza 273

Newark, DE 19702

(302) 565-6100

Attorney for Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME this 25th day of
August, A.D., 2008.



Notary Public

Registered No.

RA 528 766 538 US

Date Stamp

0711

09

08/07/08

AUG - 7 2008

To Be Completed
By Post Office

Reg. Fee	\$10.80	Return Receipt	\$0.00
Handling Charge	\$0.00	Restricted Delivery	\$0.00
Postage	\$0.76		

Received by

Customer Must Declare
Full Value \$ \$0.01Domestic Insurance up to \$25,000 is included
based upon the declared value. International
indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer
(Please Print)
All Entries Must Be in Ballpoint or Typed

FROM	Laurance Spiller Kimmel PO Box 8149 Newark, DE 19714
TO	Mr. Charles Hale 2580 Executive Rd. Winterhaven, FL 33884

PS Form 3806,
May 2007 (7530-02-000-9051)

Receipt for Registered Mail

Copy 1 - Customer
(See Information on Reverse)For domestic delivery information, visit our website at www.usps.com

LAW OFFICES
KIMMEL, CARTER, ROMAN & PELTZ

PROFESSIONAL ASSOCIATION

MORTON RICHARD KIMMEL*
EDWARD B. CARTER, JR.
THOMAS J. ROMAN
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JONATHAN B. O'NEILL***
LAWRANCE SPILLER KIMMEL****

* ALSO MEMBER DC BAR
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PLAZA 273 & I-95
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P.O. BOX 8149
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WILMINGTON OFFICE

913 MARKET STREET
SUITE 700
WILMINGTON, DE
(302) 571-0800

WEB SITE
www.Kimmelcarter.com

August 5, 2008

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Mr. Charles Hale
2580 Executive Road
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Very truly yours,

Lawrance Spiller Kimmel

LSK/bel
Enclosures
REGISTERED MAIL
RETURN RECEIPT REQUESTED

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TO THE SHERIFF OF KENT COUNTY:

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To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiff).

SHARON AGNEW
Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

SHARON AGNEW
Prothonotary

Per Deputy

EFiled: Aug 4 2008 10:39
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Sheriff's Return

Served the within Summons and copy of the following complaint:

SUMMONS/COMPLAINT/INTERROGATORIES

this day, Monday, July 21, 2008, personally upon **HARRIET SMITH WINDSOR**, Secretary of State of the State of Delaware, by leaving with her a true and correct copy of the said Summons for the defendant:

CHARLES HALE

FILED
PROTHONOTARY
2008 AUG -4 AM 10:38

and a copy of the Complaint for the said defendant, together with the sum of \$ 2.00 Dollars, as prescribed by Section 3112 of Title 10 of the Delaware Code of 1978.

So Answers,

Jim Higdon
Jim Higdon
Sheriff of Kent County

EFiled: Jun 26 2008 6:56 PM EDT
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

PRAECIPE

PLEASE ISSUE SUMMONS, COMPLAINT, and PLAINTIFF'S ANSWERS
TO SUPERIOR COURT FORM 30 INTERROGATORIES on:

- 1) Defendant Charles Hale at 2580 Executive Road, Winterhaven, FL 33884,
through the Secretary of State pursuant to 10 Del.C. § 3112;
- 2) Defendant Indian River Transport, Inc., through the corporation itself at 2580
Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to 10
Del.C. § 3104.
- 3) Defendant Heritage Equipment Leasing, LLC, through the corporation itself at
2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
10 Del.C. § 3104;
- 4) Defendant Heritage Management Group, LLC, through the corporation itself at
2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
10 Del.C. § 3104.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

COMPLAINT

1. On Tuesday, 7/18/06, at approximately 4:35 p.m., Plaintiff was operating his vehicle, stopped in traffic on southbound New Castle Avenue, in New Castle, New Castle County, Delaware, when he was struck from the rear by a vehicle left unoccupied by Defendant Hale, who had left his vehicle unattended in a negligent and careless manner, causing his vehicle to roll down a hill and into the Plaintiff's vehicle, causing Plaintiff's vehicle to strike two motor vehicles in front of him, resulting in injuries and damages to Plaintiff.

2. The conduct of Defendant Hale was negligent and careless in a manner which proximately caused the aforesaid accident in that he:

(a) left his vehicle unattended in violation of 21 Del.C. Section 4182;

(b) failed to maintain proper control over his vehicle; and,

(c) operated his vehicle in a careless and/or inattentive manner in violation of 21

Del.C. Section 4176;

(d) failed to effectively set the brake of his vehicle when leaving it unattended in violation of 21 Del.C. Section 4182;

(e) failed to turn the front wheels to the curb or side of the highway in violation of 21 Del.C. Section 4182;

(f) failed to equip his vehicle with brakes adequate to control the movement of and to stop and to hold such vehicle and any trailer or semitrailer attached thereto including 2 separate means of applying the brakes in violation of 21 Del.C. Section 4303;

(g) failed to maintain the brakes of his vehicle in good working order and conform to regulations promulgated by the Secretary in violation of 21 Del.C. Section 4303;

(h) failed to maintain the brakes of his vehicle so the hand brake could hold such vehicle stationary on any grade upon which operated in violation of 21 Del.C. Section 4304;

(i) operated a vehicle with faulty and/or defective equipment, causing said vehicle to move forward when left unattended on the roadway.

3. The negligence of Defendant Hale is imputed to Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, since the former was operating the vehicle as the agent, servant and/or employee of Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, and was pursuing Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC's, and Heritage Management Group, LLC's business at the time of the aforesaid accident. Each Defendant must deny agency by affidavit pursuant to 10 Del. C. Section 3916.

4. As a result of the aforesaid conduct of Defendants, Plaintiff sustained injuries to his head, neck, back, shoulders, right upper extremity, left upper extremity, left lower extremity, right lower extremity, and other injuries, some or all of which may be permanent, pain and suffering, mental distress, a loss of earnings, and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants for his general and special damages, in an amount to be determined by a jury, plus costs and interest.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
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MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

**ANSWERS TO SUPERIOR COURT
FORM 30 INTERROGATORIES**

1. Give the names and present or last known residential and employment address and telephone number of each eye-witness to the incident which is the subject of litigation

ANSWER:

See the police report.

2. Give the names and present or last known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

ANSWER:

See those listed in the Police Report, as well as plaintiff's friends, relatives, and business associates.

Christiana Hospital, 4755 Ogletown-Stanton Road, Newark, DE 19710;

Delaware Open MRI, H-42 Omega Drive, Newark, DE 19713;

Glasgow Surgery Center, 2600 Glasgow Ave., Ste. 226, Newark, DE 19702;

Dr. Arnold B. Glassman, 700 Lea Blvd, Suite 102, Wilmington, DE 19802;

Dr. Bruce H. Grossinger, Delaware Neurological Center, 4100 Dawnbrook Dr., Suite 4
Arbor Point Professional Center, Wilmington, DE 19804;

Dr. Stephen L. Hershey, First State Orthopaedics, Med. Arts Pav. Suites 225 and 238
4745 Ogletown-Stanton Rd., Newark, DE 19713-1338;

Dr. Victor R. Kalman, Morgan Kalman Clinic, 2501 Silverside Road, Wilmington, DE
19810;

Dr. Anne C. Mack, Delaware Back Pain & Rehab Center, 2600 Glasgow Avenue
Suite 210, Newark, DE 19702;

Scomed Supply, Inc., 316 Commerce Drive, Exton, PA 19341.

3. Give the names of all persons who have been interviewed in connection with the
above litigation, including the names and present and last known residential and
employment addresses and telephone numbers of the person who made the said
interviews and name and present or last known residential and employment addresses and
telephone numbers of persons who have the original and copies of the interview.

ANSWER:

None known.

4. Identify all photographs, diagrams, or other representations made in connection with
the matter in litigation giving the name and present or last known residential and
employment address and telephone number of the person having the original and copies
thereof. (In lieu thereof, a copy can be attached.)

ANSWER:

See Police Report.

5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type the experts whom the party expects to retain in connection with the litigation.

ANSWER:

See those physicians listed in Interrogatory number 2 above.

6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

- a. The name and address of all companies insuring the risk;
- b. The policy number;
- c. The amount of primary, /secondary, and excessive coverage.
- d. The type of insurance;

ANSWER:

Geico Insurance Company, 1 Geico Boulevard, Fredericksburg, VA 22412, (800) 841-1003, Claim Number: 0166116410101061 (15K/30K PIP – Exhausted);

Continental Casualty Company, PO Box 17369, Denver, CO 80217, Claim Number: TR903960 (Unknown LIAB)

7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

ANSWER:

To be provided.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

**AFFIDAVIT OF COUSEL PURSUANT
TO RULE 3(a)(1)(ii) AND (iii)**

STATE OF DELAWARE:

: SS

NEW CASTLE COUNTY:

LAWRANCE S. KIMMEL, being duly sworn this 26th day of June, 2008,

does depose and say:

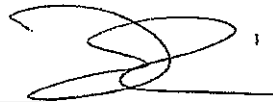
1. He is attorney for plaintiff in the above-referenced action.
2. This action involves a claim for personal injuries where the plaintiff claims special damages that have and will be supplied.

FILING IN COMPLIANCE WITH SUPERIOR COURT RULE 3(h)

In compliance with Superior Court Civil Rule 3(h), Plaintiff attaches the following documentation:

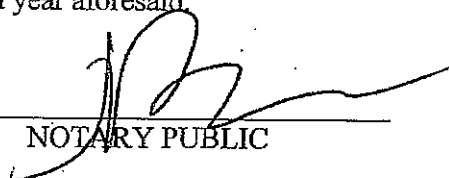
- (i) Answers to Form 30 Interrogatories;
- (ii) Due to the volume of documentary evidence gathered in this case, it is impractical to attach photocopies of all documents to the complaint. Copies of all

documents discoverable under this rule will be forwarded to the attorney for the defendant once an appearance is made by defendant's counsel and a written request for these documents is made.



LAWRANCE SPILLER KIMMEL

SWORN TO AND SUBSCRIBED before me the day and year aforesaid


NOTARY PUBLIC

JONATHAN B. O'NEILL
ATTORNEY AT LAW
Notarial Officer, State of Delaware
Pursuant to 29 Del. C. § 4203(a)(2)
Title, name

EFiled: Jun 26 2008 6:56 PM EDT
 Transaction ID 20427072
 Case No. 08C-06-223 PLA



SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CI)

COUNTY: (New Castle) Kent Sussex

CIVIL ACTION NUMBER: _____

CAPTION: <u>EARL J. HIBBITTS</u> <u>Plaintiff,</u> <u>v.</u> <u>CHARLES HALE, INDIAN RIVER TRANSPORT, INC.,</u> <u>HERITAGE EQUIPMENT LEASING, LLC, and</u> <u>HERITAGE MANAGEMENT GROUP, INC.,</u> <u>Defendants.</u>	Civil Case Code: <u>CPIA</u> Civil Case Type: <u>Personal Injury Auto</u> Name and Status of Party filing document: <u>EARL J. HIBBITTS, Plaintiff</u> Document Type: (E.G. Complaint; Answer with Counterclaim) <u>COMPLAINT, SUMMONS, ANSWER TO FORM 30</u> <u>INTERROGATORIES, AND PRAECIPE.</u> JURY DEMAND: <u>X</u> Yes <u> </u> No
--	---

ATTORNEY NAME: <u>Lawrance Spiller Kimmel, Esq.</u> ATTORNEY ID: <u>4725</u> FIRM NAME: <u>Kimmel, Carter, Roman & Peltz</u> ADDRESS: <u>Plaza 273</u> <u>56 West Main Street, 4th Floor</u> <u>Newark, Delaware 19702</u> TELEPHONE NUMBER: <u>(302) 565-6100</u> FAX NUMBER: <u>(302) 565-6101</u> E-MAIL ADDRESS: <u>lkimmel@kcrclaw.com</u>	IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS: <u>None.</u> EXPLAIN THE RELATIONSHIP: <u>Not Applicable</u> OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT: <u>Not Applicable</u>
--	--

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <input type="checkbox"/> Agent <i>Paul Kennedy</i> <input type="checkbox"/> Addressee</p>	
		B. Received by (Printed Name) <i>Janet Kennedy</i>	C. Date of Delivery
1. Article Addressed to: Mr. Charles Hale 2580 Executive Rd Winterhaven, FL 33884		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		RA 528 766 538 US	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

V.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.: 08C-06-223 PLA

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

AFFIDAVIT

STATE OF DELAWARE :
 : SS.
NEW CASTLE COUNTY :

I, LAWRENCE SPILLER KIMMEL, am attorney for the plaintiff(s).

This affidavit is made on behalf of the plaintiff(s) in accordance with the provisions of 10 Del.C. §3104 as amended and also pursuant to Superior Court Rule 4(f)(II)(h) and is filed as an amendment to the complaint.

The defendant, Heritage Equipment Leasing, LLC is a business in the State of Florida and the last known address is 2580 Executive Road, Winterhaven, FL 33884.

On the 5th day of August 2008, a notice, a copy of which is attached hereto as exhibit "A" and incorporated by reference as is more fully set forth, was sent by registered mail, return receipt requested, at the address set forth above.

On or about the 19th day of August 2008, the return receipt number RA 528 766 541 US, which is attached hereto as Exhibit "B" and incorporated by reference as is more fully set forth, was received on behalf of the plaintiff from the postal authorities showing the notice was signed by Janet Kennedy on the Defendant's behalf.



LAWRANCE SPILLER KIMMEL, ESQUIRE

Bar ID: 4725

Kimmel, Carter, Roman & Peltz, P.A.

56 W. Main Street, Fourth Floor


Plaza 273

Newark, DE 19702

(302) 565-6100

Attorney for Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME this 25th day of
August, A.D., 2008.



Notary Public

Registered No. RA 508 766 541 US		Date Stamp 0711 09 08/07/08	
To Be Completed By Post Office	Reg. Fee	\$10.80	
	Handling Charge	\$0.00	Return Receipt \$2.20
	Postage	\$0.76	Restricted Delivery \$0.00
	Received by	WINTER HAVEN FL 33884	
	Customer Must Declare Full Value \$	Domestic Insurance up to \$25,000 is included based upon the declared value. International Indemnity is limited. (See Reverse).	
OFFICIAL USE			
To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Lawrence Spiller Kimmel PO Box 8149 Wenatch, DE 19714	
	TO	Heritage Equipment Leasing LLC 2580 Executive Rd Winterhaven, FL 33884	

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
 May 2007 (7530-02-000-9051) (See Information on Reverse)
 For domestic delivery information, visit our website at www.usps.com®

LAW OFFICES
KIMMEL, CARTER, ROMAN & PELTZ
PROFESSIONAL ASSOCIATION

MORTON RICHARD KIMMEL*
EDWARD B. CARTER, JR.
THOMAS J. ROMAN
WILLIAM R. PELTZ
MICHAEL D. BEDNASH
MATTHEW M. BARTKOWSKI**
JONATHAN B. O'NEILL***
LAWRANCE SPILLER KIMMEL****

PLAZA 273 & I-95
MAILING ADDRESS
P.O. BOX 8149
NEWARK, DELAWARE 19714

(302) 565-6100
FAX (302) 565-6101

WILMINGTON OFFICE

913 MARKET STREET
SUITE 700
WILMINGTON, DE
(302) 571-0800

WEB SITE
www.Kimmelcarter.com

* ALSO MEMBER DC BAR
** ALSO MEMBER PA BAR
*** ALSO MEMBER NJ BAR
**** ALSO MEMBER PA & NJ BARS

August 5, 2008

Re: Earl J. Hibbitts v. Charles Hale, et al

Heritage Equipment Leasing, LLC
2580 Executive Road
Winterhaven, FL 33884

Dear Sir or Madam:

Pursuant to the provisions of 10 Del. C. Section 3104, I am enclosing herewith a copy of the summons, complaint and answers to the Superior Court form 30 interrogatories, together with a copy of the Sheriff's return in the above-captioned case.

You are hereby notified that service of the original of such process has been served upon the Secretary of State of the State of Delaware.

As you can see, these papers name you as defendant in a civil action which has been initiated in the Superior Court of Delaware, in and for New Castle County. Under the provision of Title 10, Section 3104 of the Delaware Code, such service is as effectual to all intents and purposes as if it had been made upon you personally within the State.

Very truly yours,

Lawrance Spiller Kimmel

LSK/bel
Enclosures
REGISTERED MAIL
RETURN RECEIPT REQUESTED

EFiled: Jun 26 2008 6:56 PM
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
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HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

THE STATE OF DELAWARE,

TO THE SHERIFF OF KENT COUNTY:

YOU ARE COMMANDED:

To summon the above named defendant's so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon Lawrance Spiller Kimmel, Esquire, plaintiff's attorney, whose address is 200 Biddle Avenue, Suite 101, Springside Plaza, Newark DE 19702, an answer to complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiff).

SHARON AGNEW

Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

SHARON AGNEW

Prothonotary

Per Deputy

EFiled: Aug 4 2008 10:44 AM EDT
Transaction ID 20909142
Case No. 08C-06-223 PLA



Sheriff's Return

Served the within Summons and copy of the following complaint:

SUMMONS/COMPLAINT/INTERROGATORIES

this day, Monday, July 21, 2008, personally upon **HARRIET SMITH WINDSOR**, Secretary of State of the State of Delaware, by leaving with her a true and correct copy of the said Summons for the defendant:

INDIAN RIVER TRANSPORT, INC., HERITAGE EQUIPMENT LEASING & HERITAGE MANAGEMENT GROUP

FILED
PROTHONOTARY
2008 AUG -4 AM 7:11

and a copy of the Complaint for the said defendant, together with the sum of \$ 6.00 Dollars, as prescribed by Section 3104 of Title 10 of the Delaware Code of 1978.

So Answers,


Jim Higdon
Sheriff of Kent County

EFiled: Jun 26 2008 6:56 PM

Transaction ID 20427072

Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

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EARL J. HIBBITTS,

Plaintiff,

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Defendants.

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2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
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10 Del.C. § 3104.

/s/ LAWRENCE SPILLER KIMMEL

LAWRENCE SPILLER KIMMEL, ESQUIRE

Kimmel, Carter, Roman, & Peltz, P.A.

56 W. Main Street, Fourth Floor

Plaza 273

Newark, DE 19702

(302) 565-6100

Attorney for Plaintiff

Bar ID: 4725

DATE: June 26, 2008

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

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CHARLES HALE,
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Defendants.

C.A. No.:

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JURY TRIAL DEMANDED

COMPLAINT

1. On Tuesday, 7/18/06, at approximately 4:35 p.m., Plaintiff was operating his vehicle, stopped in traffic on southbound New Castle Avenue, in New Castle, New Castle County, Delaware, when he was struck from the rear by a vehicle left unoccupied by Defendant Hale, who had left his vehicle unattended in a negligent and careless manner, causing his vehicle to roll down a hill and into the Plaintiff's vehicle, causing Plaintiff's vehicle to strike two motor vehicles in front of him, resulting in injuries and damages to Plaintiff.

2. The conduct of Defendant Hale was negligent and careless in a manner which proximately caused the aforesaid accident in that he:

(a) left his vehicle unattended in violation of 21 Del.C. Section 4182;

(b) failed to maintain proper control over his vehicle; and,

(c) operated his vehicle in a careless and/or inattentive manner in violation of 21

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(g) failed to maintain the brakes of his vehicle in good working order and conform to regulations promulgated by the Secretary in violation of 21 Del.C. Section 4303;

(h) failed to maintain the brakes of his vehicle so the hand brake could hold such vehicle stationary on any grade upon which operated in violation of 21 Del.C. Section 4304;

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3. The negligence of Defendant Hale is imputed to Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, since the former was operating the vehicle as the agent, servant and/or employee of Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, and was pursuing Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC's, and Heritage Management Group, LLC's business at the time of the aforesaid accident. Each Defendant must deny agency by affidavit pursuant to 10 Del. C. Section 3916.

4. As a result of the aforesaid conduct of Defendants, Plaintiff sustained injuries to his head, neck, back, shoulders, right upper extremity, left upper extremity, left lower extremity, right lower extremity, and other injuries, some or all of which may be permanent, pain and suffering, mental distress, a loss of earnings, and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants for his general and special damages, in an amount to be determined by a jury, plus costs and interest.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

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Plaintiff,

v.

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Defendants.

C.A. No.:

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ANSWER:

See the police report.

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ANSWER:

See those listed in the Police Report, as well as plaintiff's friends, relatives, and business associates.

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Delaware Open MRI, H-42 Omega Drive, Newark, DE 19713;

Glasgow Surgery Center, 2600 Glasgow Ave., Ste. 226, Newark, DE 19702;

Dr. Arnold B. Glassman, 700 Lea Blvd, Suite 102, Wilmington, DE 19802;

Dr. Bruce H. Grossinger, Delaware Neurological Center, 4100 Dawnbrook Dr., Suite 4
Arbor Point Professional Center, Wilmington, DE 19804;

Dr. Stephen L. Hershey, First State Orthopaedics, Med. Arts Pav. Suites 225 and 238
4745 Ogletown-Stanton Rd., Newark, DE 19713-1338;

Dr. Victor R. Kalman, Morgan Kalman Clinic, 2501 Silverside Road, Wilmington, DE
19810;

Dr. Anne C. Mack, Delaware Back Pain & Rehab Center, 2600 Glasgow Avenue
Suite 210, Newark, DE 19702;

Scomed Supply, Inc., 316 Commerce Drive, Exton, PA 19341.

3. Give the names of all persons who have been interviewed in connection with the
above litigation, including the names and present and last known residential and
employment addresses and telephone numbers of the person who made the said
interviews and name and present or last known residential and employment addresses and
telephone numbers of persons who have the original and copies of the interview.

ANSWER:

None known.

4. Identify all photographs, diagrams, or other representations made in connection with
the matter in litigation giving the name and present or last known residential and
employment address and telephone number of the person having the original and copies
thereof. (In lieu thereof, a copy can be attached.)

ANSWER:

See Police Report.

5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type the experts whom the party expects to retain in connection with the litigation.

ANSWER:

See those physicians listed in Interrogatory number 2 above.

6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

- a. The name and address of all companies insuring the risk;
- b. The policy number;
- c. The amount of primary, /secondary, and excessive coverage.
- d. The type of insurance;

ANSWER:

Geico Insurance Company, 1 Geico Boulevard, Fredericksburg, VA 22412, (800) 841-1003, Claim Number: 0166116410101061 (15K/30K PIP – Exhausted);

Continental Casualty Company, PO Box 17369, Denver, CO 80217, Claim Number: TR903960 (Unknown LIAB)

7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

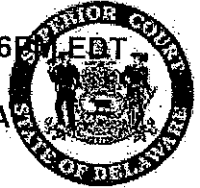
ANSWER:

To be provided.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

EFiled: Jun 26 2008 6:56 PM
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

**AFFIDAVIT OF COUSEL PURSUANT
TO RULE 3(a)(1)(ii) AND (iii)**

STATE OF DELAWARE:

: SS

NEW CASTLE COUNTY:

LAWRANCE S. KIMMEL, being duly sworn this 26th day of June, 2008,

does depose and say:

1. He is attorney for plaintiff in the above-referenced action.
2. This action involves a claim for personal injuries where the plaintiff claims special damages that have and will be supplied.

FILING IN COMPLIANCE WITH SUPERIOR COURT RULE 3(h)

In compliance with Superior Court Civil Rule 3(h), Plaintiff attaches the following documentation:

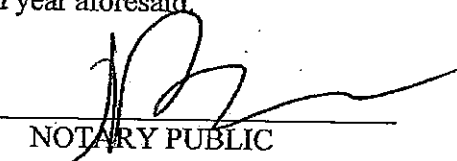
- (i) Answers to Form 30 Interrogatories;
- (ii) Due to the volume of documentary evidence gathered in this case, it is impractical to attach photocopies of all documents to the complaint. Copies of all

documents discoverable under this rule will be forwarded to the attorney for the defendant once an appearance is made by defendant's counsel and a written request for these documents is made.



LAWRANCE SPILLER KIMMEL

SWORN TO AND SUBSCRIBED before me the day and year aforesaid



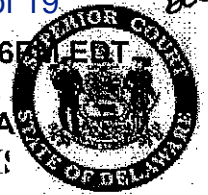
NOTARY PUBLIC

JONATHAN B. O'NEILL
ATTORNEY AT LAW
Notarial Officer, State of Delaware
Pursuant to 29 Del. C. § 4302(a)(2)
www.jbo-law.com

EFiled: Jun 26 2008 6:56 PM EDT

Transaction ID 20427072

Case No. 08C-06-223 PLA



SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CI)

COUNTY: (New Castle) Kent Sussex

CIVIL ACTION NUMBER: _____

CAPTION: <u>EARL J. HIBBITTS</u> <u>Plaintiff,</u> <u>v.</u> <u>CHARLES HALE, INDIAN RIVER TRANSPORT, INC.,</u> <u>HERITAGE EQUIPMENT LEASING, LLC, and</u> <u>HERITAGE MANAGEMENT GROUP, INC.,</u> <u>Defendants.</u>	Civil Case Code: <u>CPIA</u> Civil Case Type: <u>Personal Injury Auto</u> Name and Status of Party filing document: <u>EARL J. HIBBITTS, Plaintiff</u> Document Type: (E.G. Complaint; Answer with Counterclaim) <u>COMPLAINT, SUMMONS, ANSWER TO FORM 30</u> <u>INTERROGATORIES, AND PRAECIPE.</u> JURY DEMAND: <u>X</u> Yes <u> </u> No
--	--

ATTORNEY NAME: <u>Lawrance Spiller Kimmel, Esq.</u> ATTORNEY ID: <u>4725</u> FIRM NAME: <u>Kimmel, Carter, Roman & Peltz</u> ADDRESS: <u>Plaza 273</u> <u>56 West Main Street, 4th Floor</u> <u>Newark, Delaware 19702</u> TELEPHONE NUMBER: <u>(302) 565-6100</u> FAX NUMBER: <u>(302) 565-6101</u> E-MAIL ADDRESS: <u>lkimmel@kcrlaw.com</u>	IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS: <u>None.</u> EXPLAIN THE RELATIONSHIP: <u>Not Applicable</u> OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT: <u>Not Applicable</u>
---	--

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>S Janet Kennedy</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>Heritage Equipment Leasing, LLC</i> <i>2580 Executive Rd.</i> <i>Winterhaven, FL 33884</i></p>		<p>B. Received by (Printed Name) <i>Janet Kennedy</i></p> <p>C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p><i>RA 528 766 541 US</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	
		<p>102595-02-M-11</p>	

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.: 08C-06-223 PLA

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

AFFIDAVIT

STATE OF DELAWARE :

: SS.

NEW CASTLE COUNTY :

I, LAWRENCE SPILLER KIMMEL, am attorney for the plaintiff(s).

This affidavit is made on behalf of the plaintiff(s) in accordance with the provisions of 10 Del.C. §3104 as amended and also pursuant to Superior Court Rule 4(f)(II)(h) and is filed as an amendment to the complaint.

The defendant, Heritage Management Group, LLC, is a business in the State of Florida and the last known address is 2580 Executive Road, Winterhaven, FL 33884.

On the 5th day of August 2008, a notice, a copy of which is attached hereto as exhibit "A" and incorporated by reference as is more fully set forth, was sent by registered mail, return receipt requested, at the address set forth above.

On or about the 19th day of August 2008, the return receipt number RA 528 766 515 US, which is attached hereto as Exhibit "B" and incorporated by reference as is more fully set forth, was received on behalf of the plaintiff from the postal authorities showing the notice was signed by Janet Kennedy on the Defendant's behalf.



LAWRANCE SPILLER KIMMEL, ESQUIRE

Bar ID: 4725

Kimmel, Carter, Roman & Peltz, P.A.

56 W. Main Street, Fourth Floor


Plaza 273

Newark, DE 19702

(302) 565-6100

Attorney for Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME this 25th day of
August, A.D., 2008.


Notary Public

Registered No.

RA 528 966 515 US

Date Stamp

0711

09

08/07/08

To Be Completed
By Post Office

Reg. Fee	\$10.00	
Handling Charge	\$0.00	Return Receipt \$2.20
Postage	\$0.76	Restricted Delivery \$0.00
Received by		

Customer Must Declare
Full Value \$ \$0.00Domestic Insurance up to \$25,000 is included
based upon the declared value. International
Indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer
(Please Print)
All Entries Must Be in Ballpoint or Typed

FROM	Lawrence Spiller Kimmel PO Box 8149 Newark, DE 19714
TO	Heritage Management WINTER HAVEN, FL 33884 2580 Executive Rd Winterhaven FL 33884

PS Form 3806,

Receipt for Registered Mail

Copy 1 - Customer

May 2007 (7530-02-000-9051)

(See Information on Reverse)

For domestic delivery information, visit our website at www.usps.com®

LAW OFFICES

KIMMEL, CARTER, ROMAN & PELTZ

PROFESSIONAL ASSOCIATION

MORTON RICHARD KIMMEL*
EDWARD B. CARTER, JR.
THOMAS J. ROMAN
WILLIAM R. PELTZ
MICHAEL D. BEDNASH
MATTHEW M. BARTKOWSKI**
JONATHAN B. O'NEILL***
LAWRANCE SPILLER KIMMEL****

* ALSO MEMBER DC BAR
** ALSO MEMBER PA BAR
*** ALSO MEMBER NJ BAR
**** ALSO MEMBER PA & NJ BARS

PLAZA 273 & I-95

MAILING ADDRESS

P.O. BOX 8149
NEWARK, DELAWARE 19714

(302) 565-6100

FAX (302) 565-6101

WILMINGTON OFFICE

913 MARKET STREET
SUITE 700
WILMINGTON, DE
(302) 571-0800

WEB SITE

www.Kimmelcarter.com

August 5, 2008

Re: Earl J. Hibbitts v. Charles Hale, et al

Heritage Management Group, LLC
2580 Executive Road
Winterhaven, FL 33884

Dear Sir or Madam:

Pursuant to the provisions of 10 Del. C. Section 3104, I am enclosing herewith a copy of the summons, complaint and answers to the Superior Court form 30 interrogatories, together with a copy of the Sheriff's return in the above-captioned case.

You are hereby notified that service of the original of such process has been served upon the Secretary of State of the State of Delaware.

As you can see, these papers name you as defendant in a civil action which has been initiated in the Superior Court of Delaware, in and for New Castle County. Under the provision of Title 10, Section 3104 of the Delaware Code, such service is as effectual to all intents and purposes as if it had been made upon you personally within the State.

Very truly yours,

Lawrance Spiller Kimmel

LSK/bel
Enclosures
REGISTERED MAIL
RETURN RECEIPT REQUESTED

EFiled: Jun 26 2008 6:56
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

THE STATE OF DELAWARE,

TO THE SHERIFF OF KENT COUNTY:

YOU ARE COMMANDED:

To summon the above named defendant's so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon Lawrance Spiller Kimmel, Esquire, plaintiff's attorney, whose address is 200 Biddle Avenue, Suite 101, Springside Plaza, Newark DE 19702, an answer to complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiff).

SHARON AGNEW
Prothonotary

Per Deputy

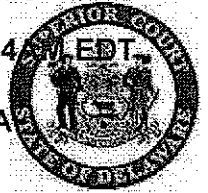
TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

SHARON AGNEW
Prothonotary

Per Deputy

EFiled: Aug 4 2008 10:44 AM EDT
Transaction ID 20909142
Case No. 08C-06-223 PLA



Sheriff's Return

Served the within Summons and copy of the following complaint:

SUMMONS/COMPLAINT/INTERROGATORIES

this day, Monday, July 21, 2008, personally upon **HARRIET SMITH WINDSOR**, Secretary of State of the State of Delaware, by leaving with her a true and correct copy of the said Summons for the defendant:

INDIAN RIVER TRANSPORT, INC., HERITAGE EQUIPMENT LEASING & HERITAGE MANAGEMENT GROUP

FILED
PROTHONOTARY
2008 AUG -4 AM 7:11

and a copy of the Complaint for the said defendant, together with the sum of \$ 6.00 Dollars, as prescribed by Section 3104 of Title 10 of the Delaware Code of 1978.

So Answers,

Jim Higdon

Jim Higdon
Sheriff of Kent County

EFiled: Jun 26 2008 6:56 PM

Transaction ID 20427072

Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

PRAECIPE

PLEASE ISSUE SUMMONS, COMPLAINT, and PLAINTIFF'S ANSWERS
TO SUPERIOR COURT FORM 30 INTERROGATORIES on:

- 1) Defendant Charles Hale at 2580 Executive Road, Winterhaven, FL 33884,
through the Secretary of State pursuant to 10 Del.C. § 3112;
- 2) Defendant Indian River Transport, Inc., through the corporation itself at 2580
Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to 10
Del.C. § 3104.
- 3) Defendant Heritage Equipment Leasing, LLC, through the corporation itself at
2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
10 Del.C. § 3104;
- 4) Defendant Heritage Management Group, LLC, through the corporation itself at
2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
10 Del.C. § 3104.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

EFiled: Jun 26 2008 6:56 PM
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

COMPLAINT

1. On Tuesday, 7/18/06, at approximately 4:35 p.m., Plaintiff was operating his vehicle, stopped in traffic on southbound New Castle Avenue, in New Castle, New Castle County, Delaware, when he was struck from the rear by a vehicle left unoccupied by Defendant Hale, who had left his vehicle unattended in a negligent and careless manner, causing his vehicle to roll down a hill and into the Plaintiff's vehicle, causing Plaintiff's vehicle to strike two motor vehicles in front of him, resulting in injuries and damages to Plaintiff.

2. The conduct of Defendant Hale was negligent and careless in a manner which proximately caused the aforesaid accident in that he:

(a) left his vehicle unattended in violation of 21 Del.C. Section 4182;

(b) failed to maintain proper control over his vehicle; and,

(c) operated his vehicle in a careless and/or inattentive manner in violation of 21

Del.C. Section 4176;

(d) failed to effectively set the brake of his vehicle when leaving it unattended in violation of 21 Del.C. Section 4182;

(e) failed to turn the front wheels to the curb or side of the highway in violation of 21 Del.C. Section 4182;

(f) failed to equip his vehicle with brakes adequate to control the movement of and to stop and to hold such vehicle and any trailer or semitrailer attached thereto including 2 separate means of applying the brakes in violation of 21 Del.C. Section 4303;

(g) failed to maintain the brakes of his vehicle in good working order and conform to regulations promulgated by the Secretary in violation of 21 Del.C. Section 4303;

(h) failed to maintain the brakes of his vehicle so the hand brake could hold such vehicle stationary on any grade upon which operated in violation of 21 Del.C. Section 4304;

(i) operated a vehicle with faulty and/or defective equipment, causing said vehicle to move forward when left unattended on the roadway.

3. The negligence of Defendant Hale is imputed to Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, since the former was operating the vehicle as the agent, servant and/or employee of Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, and was pursuing Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC's, and Heritage Management Group, LLC's business at the time of the aforesaid accident. Each Defendant must deny agency by affidavit pursuant to 10 Del. C. Section 3916.

4. As a result of the aforesaid conduct of Defendants, Plaintiff sustained injuries to his head, neck, back, shoulders, right upper extremity, left upper extremity, left lower extremity, right lower extremity, and other injuries, some or all of which may be permanent, pain and suffering, mental distress, a loss of earnings, and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants for his general and special damages, in an amount to be determined by a jury, plus costs and interest.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

EFiled: Jun 26 2008 6:56 PM EDT
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
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MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

**ANSWERS TO SUPERIOR COURT
FORM 30 INTERROGATORIES**

1. Give the names and present or last known residential and employment address and telephone number of each eye-witness to the incident which is the subject of litigation

ANSWER:

See the police report.

2. Give the names and present or last known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

ANSWER:

See those listed in the Police Report, as well as plaintiff's friends, relatives, and business associates.

Christiana Hospital, 4755 Ogletown-Stanton Road, Newark, DE 19710;

Delaware Open MRI, H-42 Omega Drive, Newark, DE 19713;

Glasgow Surgery Center, 2600 Glasgow Ave., Ste. 226, Newark, DE 19702;

Dr. Arnold B. Glassman, 700 Lea Blvd, Suite 102, Wilmington, DE 19802;

Dr. Bruce H. Grossinger, Delaware Neurological Center, 4100 Dawnbrook Dr., Suite 4
Arbor Point Professional Center, Wilmington, DE 19804;

Dr. Stephen L. Hershey, First State Orthopaedics, Med. Arts Pav. Suites 225 and 238
4745 Ogletown-Stanton Rd., Newark, DE 19713-1338;

Dr. Victor R. Kalman, Morgan Kalman Clinic, 2501 Silverside Road, Wilmington, DE
19810;

Dr. Anne C. Mack, Delaware Back Pain & Rehab Center, 2600 Glasgow Avenue
Suite 210, Newark, DE 19702;

Scomed Supply, Inc., 316 Commerce Drive, Exton, PA 19341.

3. Give the names of all persons who have been interviewed in connection with the
above litigation, including the names and present and last known residential and
employment addresses and telephone numbers of the person who made the said
interviews and name and present or last known residential and employment addresses and
telephone numbers of persons who have the original and copies of the interview.

ANSWER:

None known.

4. Identify all photographs, diagrams, or other representations made in connection with
the matter in litigation giving the name and present or last known residential and
employment address and telephone number of the person having the original and copies
thereof. (In lieu thereof, a copy can be attached.)

ANSWER:

See Police Report.

5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type the experts whom the party expects to retain in connection with the litigation.

ANSWER:

See those physicians listed in Interrogatory number 2 above.

6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

- a. The name and address of all companies insuring the risk;
- b. The policy number;
- c. The amount of primary, /secondary, and excessive coverage.
- d. The type of insurance;

ANSWER:

Geico Insurance Company, 1 Geico Boulevard, Fredericksburg, VA 22412, (800) 841-1003, Claim Number: 0166116410101061 (15K/30K PIP – Exhausted);

Continental Casualty Company, PO Box 17369, Denver, CO 80217, Claim Number: TR903960 (Unknown LIAB)

7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

ANSWER:

To be provided.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

EFiled: Jun 26 2008 6:56 PM
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

**AFFIDAVIT OF COUSEL PURSUANT
TO RULE 3(a)(1)(ii) AND (iii)**

STATE OF DELAWARE:

: SS

NEW CASTLE COUNTY:

LAWRANCE S. KIMMEL, being duly sworn this 26th day of June, 2008,

does depose and say:

1. He is attorney for plaintiff in the above-referenced action.
2. This action involves a claim for personal injuries where the plaintiff claims special damages that have and will be supplied.

FILING IN COMPLIANCE WITH SUPERIOR COURT RULE 3(h)

In compliance with Superior Court Civil Rule 3(h), Plaintiff attaches the following documentation:

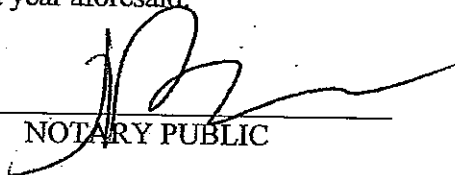
- (i) Answers to Form 30 Interrogatories;
- (ii) Due to the volume of documentary evidence gathered in this case, it is impractical to attach photocopies of all documents to the complaint. Copies of all

documents discoverable under this rule will be forwarded to the attorney for the defendant once an appearance is made by defendant's counsel and a written request for these documents is made.



LAWRANCE SPILLER KIMMEL

SWORN TO AND SUBSCRIBED before me the day and year aforesaid


NOTARY PUBLIC

JONATHAN B. O'NEILL
ATTORNEY AT LAW

Notarial Officer, State of Delaware
Pursuant to 29 Del. C. § 4202(a)(2)
This comm.

EFiled: Jun 26 2008 6:56 PM EDT

Transaction ID 20427072

Case No. 08C-06-223 PLA



SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CI)

COUNTY: (New Castle) Kent Sussex

CIVIL ACTION NUMBER: _____

CAPTION: <u>EARL J. HIBBITTS</u> <u>Plaintiff,</u> <u>v.</u> <u>CHARLES HALE, INDIAN RIVER TRANSPORT, INC.,</u> <u>HERITAGE EQUIPMENT LEASING, LLC, and</u> <u>HERITAGE MANAGEMENT GROUP, INC.,</u> <u>Defendants.</u>	Civil Case Code: <u>CPLA</u> Civil Case Type: <u>Personal Injury Auto</u> Name and Status of Party filing document: <u>EARL J. HIBBITTS, Plaintiff</u> Document Type: (E.G. Complaint; Answer with Counterclaim) <u>COMPLAINT, SUMMONS, ANSWER TO FORM 30</u> <u>INTERROGATORIES, AND PRAECIPE.</u> JURY DEMAND: <u>X</u> Yes <u> </u> No
--	--

ATTORNEY NAME: <u>Lawrance Spiller Kimmel, Esq.</u> ATTORNEY ID: <u>4725</u> FIRM NAME: <u>Kimmel, Carter, Roman & Peltz</u> ADDRESS: <u>Plaza 273</u> <u>56 West Main Street, 4th Floor</u> <u>Newark, Delaware 19702</u> TELEPHONE NUMBER: <u>(302) 565-6100</u> FAX NUMBER: <u>(302) 565-6101</u> E-MAIL ADDRESS: <u>lkimmel@kcrlaw.com</u>	IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS: <u>None.</u> EXPLAIN THE RELATIONSHIP: <u>Not Applicable</u> OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT: <u>Not Applicable</u>
---	--

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Janet Kennedy</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>Heritage Management Group, LLC</i> <i>2580 Executive Rd.</i> <i>Winterhaven, FL 33884</i></p>		<p>B. Received by (Printed Name) <i>Janet Kennedy</i></p> <p>C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>RA 528 766 515 US</p> <p>Domestic Return Receipt</p>	

102595-02-M-1540

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.: 08C-06-223 PLA

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

AFFIDAVIT

STATE OF DELAWARE :

: SS.

NEW CASTLE COUNTY :

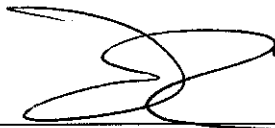
I, LAWRENCE SPILLER KIMMEL, am attorney for the plaintiff(s).

This affidavit is made on behalf of the plaintiff(s) in accordance with the provisions of 10 Del.C. §3104 as amended and also pursuant to Superior Court Rule 4(f)(II)(h) and is filed as an amendment to the complaint.

The defendant, Indian River Transport, Inc., is a business in the State of Florida and the last known address is 2580 Executive Road, Winterhaven, FL 33884.

On the 5th day of August 2008, a notice, a copy of which is attached hereto as exhibit "A" and incorporated by reference as is more fully set forth, was sent by registered mail, return receipt requested, at the address set forth above.

On or about the 19th day of August 2008, the return receipt number RA 528 766 524 US, which is attached hereto as Exhibit "B" and incorporated by reference as is more fully set forth, was received on behalf of the plaintiff from the postal authorities showing the notice was signed by Janet Kennedy on the Defendant's behalf.



LAWRANCE SPILLER KIMMEL, ESQUIRE

Bar ID: 4725

Kimmel, Carter, Roman & Peltz, P.A.

56 W. Main Street, Fourth Floor


Plaza 273

Newark, DE 19702

(302) 565-6100

Attorney for Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME this 25th day of
August, A.D., 2008.


Notary Public

Registered No.

RA 528 766 524 US

Date Stamp

To Be Completed
By Post Office

Reg. Fee	
Handling Charge	RA528766524 US
Postage	\$10.80
Received by	\$0.00
	\$2.20

Customer Must Declare
Full Value \$ 0.76Domestic insurance up to \$25,000 is included
based upon the declared value. International
Indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer
(Please Print)
All Entries Must Be in Ballpoint or Typed

FROM	Lawrence Spiller Kimmel
	PO Box 8149
	Newark, DE 19714
TO	Indian River Transport, Inc.
	2580 Executive Rd.
	Winterhaven, FL 33884

PS Form 3806, Receipt for Registered Mail

Copy 1 - Customer

May 2007 (7530-02-000-9051)

(See Information on Reverse)

For domestic delivery information, visit our website at www.usps.com®

LAW OFFICES
KIMMEL, CARTER, ROMAN & PELTZ
PROFESSIONAL ASSOCIATION

MORTON RICHARD KIMMEL *
EDWARD B. CARTER, JR.
THOMAS J. ROMAN
WILLIAM R. PELTZ
MICHAEL D. BEDNASH
MATTHEW M. BARTKOWSKI **
JONATHAN B. O'NEILL ***
LAWRANCE SPILLER KIMMEL ****

* ALSO MEMBER DC BAR
** ALSO MEMBER PA BAR
*** ALSO MEMBER NJ BAR
**** ALSO MEMBER PA & NJ BARS

PLAZA 273 & I-95
MAILING ADDRESS
P.O. BOX 8149
NEWARK, DELAWARE 19714

(302) 565-6100
FAX (302) 565-6101

WILMINGTON OFFICE

913 MARKET STREET
SUITE 700
WILMINGTON, DE
(302) 571-0800

WEB SITE
www.Kimmelcarter.com

August 5, 2008

Re: Earl J. Hibbitts v. Charles Hale, et al

Indian River Transport, Inc.
2580 Executive Road
Winterhaven, FL 33884

Dear Sir or Madam:

Pursuant to the provisions of 10 Del. C. Section 3104, I am enclosing herewith a copy of the summons, complaint and answers to the Superior Court form 30 interrogatories, together with a copy of the Sheriff's return in the above-captioned case.

You are hereby notified that service of the original of such process has been served upon the Secretary of State of the State of Delaware.

As you can see, these papers name you as defendant in a civil action which has been initiated in the Superior Court of Delaware, in and for New Castle County. Under the provision of Title 10, Section 3104 of the Delaware Code, such service is as effectual to all intents and purposes as if it had been made upon you personally within the State.

Very truly yours,

Lawrance Spiller Kimmel

LSK/bel
Enclosures
REGISTERED MAIL
RETURN RECEIPT REQUESTED

EFiled: Jun 26 2008 6:56 PM
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

THE STATE OF DELAWARE,

TO THE SHERIFF OF KENT COUNTY:

YOU ARE COMMANDED:

To summon the above named defendant's so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon Lawrance Spiller Kimmel, Esquire, plaintiff's attorney, whose address is 200 Biddle Avenue, Suite 101, Springside Plaza, Newark DE 19702, an answer to complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiff).

SHARON AGNEW
Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

SHARON AGNEW
Prothonotary

Per Deputy

EFiled: Aug 4 2008 10:44 AM EDT
Transaction ID 20909142
Case No. 08C-06-223 PLA



Sheriff's Return

Served the within Summons and copy of the following complaint:

SUMMONS/COMPLAINT/INTERROGATORIES

this day, Monday, July 21, 2008, personally upon **HARRIET SMITH WINDSOR**, Secretary of State of the State of Delaware, by leaving with her a true and correct copy of the said Summons for the defendant:

INDIAN RIVER TRANSPORT, INC., HERITAGE EQUIPMENT LEASING & HERITAGE MANAGEMENT GROUP

FILED
PROTHONOTARY
2008 AUG -4 AM 7:11

and a copy of the Complaint for the said defendant, together with the sum of \$ 6.00 Dollars, as prescribed by Section 3104 of Title 10 of the Delaware Code of 1978.

So Answers,

Jim Higdon

Jim Higdon
Sheriff of Kent County

EFiled: Jun 26 2008 6:56 PM
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

PRAECIPE

PLEASE ISSUE SUMMONS, COMPLAINT, and PLAINTIFF'S ANSWERS
TO SUPERIOR COURT FORM 30 INTERROGATORIES on:

- 1) Defendant Charles Hale at 2580 Executive Road, Winterhaven, FL 33884,
through the Secretary of State pursuant to 10 Del.C. § 3112;
- 2) Defendant Indian River Transport, Inc., through the corporation itself at 2580
Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to 10
Del.C. § 3104.
- 3) Defendant Heritage Equipment Leasing, LLC, through the corporation itself at
2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
10 Del.C. § 3104;
- 4) Defendant Heritage Management Group, LLC, through the corporation itself at
2580 Executive Road, Winterhaven, FL 33884, through the Secretary of State pursuant to
10 Del.C. § 3104.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

EFiled: Jun 26 2008 6:56 PM EBT
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

COMPLAINT

1. On Tuesday, 7/18/06, at approximately 4:35 p.m., Plaintiff was operating his vehicle, stopped in traffic on southbound New Castle Avenue, in New Castle, New Castle County, Delaware, when he was struck from the rear by a vehicle left unoccupied by Defendant Hale, who had left his vehicle unattended in a negligent and careless manner, causing his vehicle to roll down a hill and into the Plaintiff's vehicle, causing Plaintiff's vehicle to strike two motor vehicles in front of him, resulting in injuries and damages to Plaintiff.

2. The conduct of Defendant Hale was negligent and careless in a manner which proximately caused the aforesaid accident in that he:

- (a) left his vehicle unattended in violation of 21 Del.C. Section 4182;
- (b) failed to maintain proper control over his vehicle; and,
- (c) operated his vehicle in a careless and/or inattentive manner in violation of 21 Del.C. Section 4176;

(d) failed to effectively set the brake of his vehicle when leaving it unattended in violation of 21 Del.C. Section 4182;

(e) failed to turn the front wheels to the curb or side of the highway in violation of 21 Del.C. Section 4182;

(f) failed to equip his vehicle with brakes adequate to control the movement of and to stop and to hold such vehicle and any trailer or semitrailer attached thereto including 2 separate means of applying the brakes in violation of 21 Del.C. Section 4303;

(g) failed to maintain the brakes of his vehicle in good working order and conform to regulations promulgated by the Secretary in violation of 21 Del.C. Section 4303;

(h) failed to maintain the brakes of his vehicle so the hand brake could hold such vehicle stationary on any grade upon which operated in violation of 21 Del.C. Section 4304;

(i) operated a vehicle with faulty and/or defective equipment, causing said vehicle to move forward when left unattended on the roadway.

3. The negligence of Defendant Hale is imputed to Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, since the former was operating the vehicle as the agent, servant and/or employee of Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC, and Heritage Management Group, LLC, and was pursuing Defendants Indian River Transport, Inc., Heritage Equipment Leasing, LLC's, and Heritage Management Group, LLC's business at the time of the aforesaid accident. Each Defendant must deny agency by affidavit pursuant to 10 Del. C. Section 3916.

4. As a result of the aforesaid conduct of Defendants, Plaintiff sustained injuries to his head, neck, back, shoulders, right upper extremity, left upper extremity, left lower extremity, right lower extremity, and other injuries, some or all of which may be permanent, pain and suffering, mental distress, a loss of earnings, and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants for his general and special damages, in an amount to be determined by a jury, plus costs and interest.

/s/ LAWRANCE SPILLER KIMMEL
LAWRANCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

EFiled: Jun 26 2008 6:56 PM
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

**ANSWERS TO SUPERIOR COURT
FORM 30 INTERROGATORIES**

1. Give the names and present or last known residential and employment address and telephone number of each eye-witness to the incident which is the subject of litigation

ANSWER:

See the police report.

2. Give the names and present or last known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

ANSWER:

See those listed in the Police Report, as well as plaintiff's friends, relatives, and business associates.

Christiana Hospital, 4755 Ogletown-Stanton Road, Newark, DE 19710;

Delaware Open MRI, H-42 Omega Drive, Newark, DE 19713;

Glasgow Surgery Center, 2600 Glasgow Ave., Ste. 226, Newark, DE 19702;

Dr. Arnold B. Glassman, 700 Lea Blvd, Suite 102, Wilmington, DE 19802;

Dr. Bruce H. Grossinger, Delaware Neurological Center, 4100 Dawnbrook Dr., Suite 4
Arbor Point Professional Center, Wilmington, DE 19804;

Dr. Stephen L. Hershey, First State Orthopaedics, Med. Arts Pav. Suites 225 and 238
4745 Ogletown-Stanton Rd., Newark, DE 19713-1338;

Dr. Victor R. Kalman, Morgan Kalman Clinic, 2501 Silverside Road, Wilmington, DE
19810;

Dr. Anne C. Mack, Delaware Back Pain & Rehab Center, 2600 Glasgow Avenue
Suite 210, Newark, DE 19702;

Scomed Supply, Inc., 316 Commerce Drive, Exton, PA 19341.

3. Give the names of all persons who have been interviewed in connection with the
above litigation, including the names and present and last known residential and
employment addresses and telephone numbers of the person who made the said
interviews and name and present or last known residential and employment addresses and
telephone numbers of persons who have the original and copies of the interview.

ANSWER:

None known.

4. Identify all photographs, diagrams, or other representations made in connection with
the matter in litigation giving the name and present or last known residential and
employment address and telephone number of the person having the original and copies
thereof. (In lieu thereof, a copy can be attached.)

ANSWER:

See Police Report.

5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type the experts whom the party expects to retain in connection with the litigation.

ANSWER:

See those physicians listed in Interrogatory number 2 above.

6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

- a. The name and address of all companies insuring the risk;
- b. The policy number;
- c. The amount of primary, /secondary, and excessive coverage.
- d. The type of insurance;

ANSWER:

Geico Insurance Company, 1 Geico Boulevard, Fredericksburg, VA 22412, (800) 841-1003, Claim Number: 0166116410101061 (15K/30K PIP -- Exhausted);

Continental Casualty Company, PO Box 17369, Denver, CO 80217, Claim Number: TR903960 (Unknown LIAB)

7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

ANSWER:

To be provided.

/s/ LAWRENCE SPILLER KIMMEL
LAWRENCE SPILLER KIMMEL, ESQUIRE
Kimmel, Carter, Roman, & Peltz, P.A.
56 W. Main Street, Fourth Floor
Plaza 273
Newark, DE 19702
(302) 565-6100
Attorney for Plaintiff
Bar ID: 4725

DATE: June 26, 2008

EFiled: Jun 26 2008 6:56 PM
Transaction ID 20427072
Case No. 08C-06-223 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

EARL J. HIBBITTS,

Plaintiff,

v.

CHARLES HALE,
INDIAN RIVER TRANSPORT, INC.,
HERITAGE EQUIPMENT
LEASING, LLC, and, HERITAGE
MANAGEMENT GROUP, INC,

Defendants.

C.A. No.:

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

**AFFIDAVIT OF COUSEL PURSUANT
TO RULE 3(a)(1)(ii) AND (iii)**

STATE OF DELAWARE:

: SS

NEW CASTLE COUNTY:

LAWRANCE S. KIMMEL, being duly sworn this 26th day of June, 2008,

does depose and say:

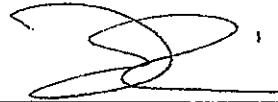
1. He is attorney for plaintiff in the above-referenced action.
2. This action involves a claim for personal injuries where the plaintiff claims special damages that have and will be supplied.

FILING IN COMPLIANCE WITH SUPERIOR COURT RULE 3(h)

In compliance with Superior Court Civil Rule 3(h), Plaintiff attaches the following documentation:

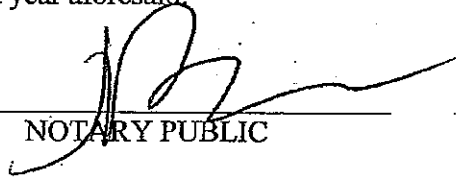
- (i) Answers to Form 30 Interrogatories;
- (ii) Due to the volume of documentary evidence gathered in this case, it is impractical to attach photocopies of all documents to the complaint. Copies of all

documents discoverable under this rule will be forwarded to the attorney for the defendant once an appearance is made by defendant's counsel and a written request for these documents is made.



LAWRANCE SPILLER KIMMEL

SWORN TO AND SUBSCRIBED before me the day and year aforesaid



NOTARY PUBLIC

JONATHAN B. O'NEILL
ATTORNEY AT LAW
Notarial Officer, State of Delaware
Pursuant to 29 Del. C. § 4303(a)(2)
This comm.

EFiled: Jun 26 2008 6:56 PM EDT

Transaction ID 20427072

Case No. 08C-06-223 PLA



SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CI)

COUNTY: (New Castle) Kent Sussex

CIVIL ACTION NUMBER: _____

CAPTION: <u>EARL J. HIBBITTS</u> <u>Plaintiff,</u> <u>v.</u> <u>CHARLES HALE, INDIAN RIVER TRANSPORT, INC.,</u> <u>HERITAGE EQUIPMENT LEASING, LLC, and</u> <u>HERITAGE MANAGEMENT GROUP, INC.,</u> <u>Defendants.</u>	Civil Case Code: <u>CPIA</u> Civil Case Type: <u>Personal Injury Auto</u> Name and Status of Party filing document: <u>EARL J. HIBBITTS, Plaintiff</u> Document Type: (E.G. Complaint; Answer with Counterclaim) <u>COMPLAINT, SUMMONS, ANSWER TO FORM 30</u> <u>INTERROGATORIES, AND PRAECIPE.</u> JURY DEMAND: <u>X</u> Yes <u> </u> No
--	--

ATTORNEY NAME: <u>Lawrance Spiller Kimmel, Esq.</u> ATTORNEY ID: <u>4725</u> FIRM NAME: <u>Kimmel, Carter, Roman & Peltz</u> ADDRESS: <u>Plaza 273</u> <u>56 West Main Street, 4th Floor</u> <u>Newark, Delaware 19702</u> TELEPHONE NUMBER: <u>(302) 565-6100</u> FAX NUMBER: <u>(302) 565-6101</u> E-MAIL ADDRESS: <u>lkimmel@kcrlaw.com</u>	IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS: <u>None.</u> EXPLAIN THE RELATIONSHIP: <u>Not Applicable</u> OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT: <u>Not Applicable</u>
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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <i>Don't Kennedy</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
		<p>B. Received by (Printed Name) <i>Don't Kennedy</i></p>	
		<p>C. Date of Delivery</p>	
<p>1. Article Addressed to:</p> <p><i>Indian River Transport, Inc.</i> <i>2580 Executive Rd.</i> <i>Winterhaven, FL 33884</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> *Yes</p>	
<p>2. Article Number (Transfer from service label)</p> <p><i>RA 528 766 524 US</i></p>			

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540